

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DERRICK A. MILBOURNE,
on his own behalf and on
behalf of those similarly
situated,

Plaintiff,

v.

Civil Case No. 3:12-cv-861

JRK RESIDENTIAL AMERICA, LLC,

Defendant.

ORDER

Having considered Plaintiffs' MOTION TO STRIKE THE DECLARATIONS OF MIKE MOERSCHBACHER (ECF No. 166), and the supporting and opposing memoranda thereto, it is hereby ORDERED that both parties shall submit supplemental briefs fully addressing the following issues no later than March 8, 2016:

- 1) Whether the documents appended to the disputed declarations are hearsay, and, more specifically,
- 2) Whether the proffered documents are admissible as statements of party opponents, pursuant to Fed. R. Evid. 801(d)(2); and

3) Whether the proffered documents are offered for a purpose
other than the truth of the matter asserted.

It is so ORDERED.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: March 3, 2016